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Henna Fabricius

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EXAMINER

PHANTANA ANGKOOOL, DAVID

ART UNIT

PAPER NUMBER

2175

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,283

**Applicant(s)**

FABRITIUS, HENNA

**Examiner**

David Phantana-angkool

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 9-12, 14-20, 23-26, 30, 31, and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9-12, 14-20, 23-26, 30, 31, and 33-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application has been reassigned to Examiner David Phantana-angkool.
2. This action is responsive to the following communications: RCE filed on October 27<sup>th</sup>, 2008.  
**This action is made final.**
3. Claims 1-4, 6, 9-12, 14-20, 23-26, 30, 31, and 33-40 are pending claims.
4. Applicant amended claims 1, 4, 6, 10, 14, 15-20, 23-26, 30, and 31.
5. Applicant canceled claims 5, 7, 8, 13, 21, 22, 27-29, and 32.
6. Applicant added claims 33-40.
7. Applicant amended claims 14 in response to the 35 U.S.C. 101 rejection. Applicants' amendment has addressed the 35 U.S.C. 101 rejection and therefore, in view of the newly submitted claims, the 35 U.S.C. 101 rejection is now withdrawn.

#### ***Continued Examination Under 37 CFR 1.114***

8. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2008 has been entered.

#### ***Claim Rejections - 35 USC § 103***

9. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. **Claims 1-4, 6, 9-12, 14-20, 23- 26, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525) in view of Capps et al, US# 5,345,543.**

**As for independent claim 1:**

Tsai discloses a method for changing an orientation of a User Interface, comprising: *detecting a course of motion that is performed on said user interface, and changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion (see abstract and figures 2a-2c for example).* Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example) and that the user can drag the hat to rotate the image. Tsia also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose displaying a dragging element (dragging element as explained by the applicant) on said user interface, wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user interface. However in the same field of invention Capps teaches a dragging element independent of the content displayed on the user interface Fig. 3#61, see col. 5, lines 1-14. Capps further teaches that the user can drag on an icon#61 to rotate the user interface in Col. 5, line 64 to Col. 6, line 5. It would have been obvious to a skilled artisan at the time of the invention was made to modify the teaching of Tsai to incorporate a dragging element displayed independent of the user interface and the dragging element used for rotating the user interface, thus distinctly show the user where to manipulate the dragging element to perform the desired function (Capps, 5:48-62).

**Re claim 2,** note that Tsai discloses a method, *wherein said course of motion is performed on said user interface via a user interface interaction device (see abstract).*

**Re claim 3,** note that Tsai discloses a method, *wherein said user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example).*

**Re claim 4,** note that Tsai discloses a method, *wherein said user interface interaction device is a device configured to control the movement of an element on said user interface (see abstract and figures 2a-2c for example).*

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**Re claim 6**, note that Tsai discloses a method, wherein said dragging element is located near an edge of the user interface. (See abstract and figures 2a-2c, hat is near the top edge in figure 2a for example)

**Re claim 9**, note that Tsai discloses a method, wherein said detected course of motion is visualized on said user interface (see abstract and figures 2a-2c for example).

**Re claim 10**, note that Tsai discloses a method, wherein said orientation of said user interface is changed by 90 degree, 180 degree. or 270 degree. with respect to said physical device said user interface is integrated in (see abstract and paragraph 0023 for example).

**Re claim 11**, note that Tsai discloses a method, wherein images that are displayed on said user interface are transformed and/or re-scaled according to said changed orientation (see abstract and figures 2a-2c for example).

**Re claim 12**, note that Tsai discloses a method, wherein said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019).

**Re claim 14**, note that Tsai discloses a computer readable medium storing a computer program with instructions so that when executed by a processor performs the method of claim 1 (see abstract and paragraph 0020 for example).

**As for independent claim 15:**

Tsai discloses an apparatus comprising:

a detector configured to a course of motion that is performed on a user interface by dragging element, and a processor and controller configured changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion, (see abstract and figures 2a-2c for example). Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose display said dragging element on said user interface, wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user

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interface. However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use drag the hat of the snowman image of Tsai and use it as a dragging element or input control logic in order to display an input control logic (an element to drag) to rotate the snowman image on the display. However in the same field of invention Capps teaches a dragging element independent of the content displayed on the user interface Fig. 3#61, see col. 5, lines 1-14. Capps further teaches that the user can drag on an icon#61 to rotate the user interface in Col. 5, line 64 to Col. 6, line 5. It would have been obvious to a skilled artisan at the time of the invention was made to modify the teaching of Tsai to incorporate a dragging element displayed independent of the user interface and the dragging element used for rotating the user interface, thus distinctly show the user where to manipulate the dragging element to perform the desired function (Capps, 5:48-62).

**Re claim 16**, note that Tsai discloses the apparatus, wherein said apparatus is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019 for example).

**Re claim 17**, note that Tsai discloses an apparatus device, comprising: at least one user interface.

**Re claim 18**, note that Tsai discloses the apparatus, further comprising a user interface interaction device, via which said course of motion is performed on said at least one user interface (see abstract and figures 2a-2c for example).

**Re claim 19**, note that Tsai discloses the apparatus, wherein said at least one user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example).

**Re claim 20**, note that Tsai discloses the apparatus, wherein said user interface interaction device is a device configured to control the movement of an element on said at least one user interface (see abstract and figures 2a-2c for example).

**Re claim 23**, note that Tsai discloses the apparatus, further configured to visualize said detected course of motion on said at least one user interface (see abstract and figures 2a-2c for example).

**Re claim 24**, note that Tsai discloses the apparatus, wherein said apparatus is configured to

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*change said orientation of said at least one user interface is changed by 90.degree., 180.degree. or 270.degree. with respect to said mobile phone (see abstract and paragraph 0023 for example).*

**Re claim 25**, note that Tsai discloses the apparatus, further comprising means for transforming and/or re-scaling images that are displayed on said at least one user interface according to said changed orientation (see abstract and figures 2a-2c for example).

**As for independent claim 26:**

Re claim 26, Tsai discloses a apparatus for changing an orientation of a user interface, comprising: *means for detecting a course of motion that is performed on said user interface by dragging said dragging element, and means for changing an orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion* (See abstract, paragraphs 0019, 0020 and figures 2a-2c for example). Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsai also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose *means for displaying a dragging element (dragging element as explained by the applicant) on a user interface, wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user interface*. However in the same field of invention Capps teaches a dragging element independent of the content displayed on the user interface Fig. 3#61, see col. 5, lines 1-14. Capps further teaches that the user can drag on an icon#61 to rotate the user interface in Col. 5, line 64 to Col. 6, line 5. It would have been obvious to a skilled artisan at the time of the invention was made to modify the teaching of Tsai to incorporate a dragging element displayed independent of the user interface and the dragging element used for rotating the user interface, thus distinctly show the user where to manipulate the dragging element to perform the desired function (Capps, 5:48-62).

**Re claim 33**, note that Tsai-Capps suggest the method, *wherein said user interface is a touch-screen display, and wherein said orientation of said touch-screen display is changed by rotating the complete display and input control logic* (Capps, 5:48-62 and 4:35-65). It would have been

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obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 34**, note that Tsai-Capps suggest the *method according to claim 1, wherein said predetermined position is a corner of said user interface* (Capps, 5:48-62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 35**, note that Tsai-Capps suggest the *method according to claim 34, wherein dragging said dragging element from said corner to a neighboring corner causes said orientation of said user interface to be changed by 90° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Capps 5:48-62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 36**, note that Tsai-Capps suggest the *method according to claim 34, wherein dragging said dragging element from said corner to a diagonally opposite corner causes said orientation of said user interface to be changed by 180° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Capps 5:48-62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 37**, note that Tsai-Capps suggest the *apparatus according to claim 15, wherein said user interface is a touch- screen display, and wherein said apparatus is configured to change said orientation of said touch-screen display by rotating the complete display and input control logic* (Capps, 5:48-62 and 4:35-65). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 38**, note that Tsai-Capps suggest the *apparatus according to claim 15, wherein said predetermined position is a corner of said user interface* (Tsai, Fig. 1B and Capps 5:48-62). It



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would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 39**, note that Tsai-Capps suggest *the apparatus according to claim 38, wherein said apparatus is configured so that dragging said dragging element from said corner to a neighboring corner causes said orientation of said user interface to be changed by 90° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Capps 5:48-62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**Re claim 40**, note that Tsai-Capps *apparatus according to claim 38, wherein said apparatus is configured so that dragging said dragging element from said corner to a diagonally opposite corner causes said orientation of said user interface to be changed by 180° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Capps 5:48-62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

**5. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525) in view of Capps et al, US# 5,345,543, and in further view of Meier et al.US# 5,513,309).**

**Re claim 30**, Tsai substantially discloses a method as set forth in claim 1 above. Tsai and Capps do not explicitly disclose *wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface*. However, Meier et al. teaches of *wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface* (see

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*column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the method of Tsai and Capps in order to display specific element to drag to rotate.*

**Re claim 31,** Tsai substantially discloses a device as set forth in claim 15 above. Tsai and Capps do not explicitly disclose *wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface.* However, Meier et al. teaches of *wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example).* It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the device of Tsai and Capps in order to display specific element to drag to rotate.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).**

**The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).**

#### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-4, 6, 9-12, 14-20, 23- 26, 30, and 31 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DP  
/David Phantana-angkool/  
Examiner, Art Unit 2175

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175